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17 MAR 2008 / J

MICHAEL J. GARCIA  
 United States Attorney for the  
 Southern District of New York  
 BY: SHARON E. FRASE (SF-4906)  
 One St. Andrew's Plaza  
 New York, New York 10007  
 (212) 637-2329

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 3-5-08

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 UNITED STATES OF AMERICA, :

- v. - :

\$13,900 in UNITED STATES CURRENCY, :

Defendant in Rem. :

STIPULATION AND ORDER  
OF SETTLEMENT

: 08 Civ. 882 (VM)

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WHEREAS, on January 24, 2008, the United States of America filed a Verified Complaint and Warrant in Rem, pursuant to Title 21, United States Code, §881, seeking to forfeit \$13,900 in United States Currency (the "defendant currency"), based on probable cause to believe that the defendant currency constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code;

WHEREAS, on January 28, 2008, notice of the Verified Complaint was sent by certified mail, return receipt requested to Luis-Hernandez-Morales at 350 West 150<sup>th</sup> Street, Apt. 53, New York, NY 10039; to Lawrence M. Fisher, Esq., as counsel for Mr. Hernandez-Morales at 350 Broadway, 10<sup>th</sup> Fl., New York, NY 10013; to

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Samuel Hancock, at 90-08 32<sup>nd</sup> Ave. #108, Elmhurst, NY 11375, and to Andres-Fermin-Nunez at 721 22<sup>nd</sup> St. 2<sup>nd</sup> Fl., Union City, NJ 07087;

WHEREAS, notice of this action was published in the New York Law Journal on February 13, 2008;

WHEREAS, Luis Hernandez-Morales, has reached an agreement with the United States of America in the pending matter and wishes to settle without resorting to further litigation;

IT IS HEREBY STIPULATED, ORDERED AND AGREED, by and between Plaintiff United States of America, by its attorney Michael J. Garcia, United States Attorney for the Southern District of New York; Sharon E. Frase, Assistant United States Attorney, of counsel; Luis Hernandez-Morales; and Lawrence M. Fisher, Esq., attorney for Luis Hernandez-Morales, as follows:

1. Luis Hernandez-Morales agrees that \$9,500.00 of the defendant currency shall be forfeited to the United States, for disposition according to law, pursuant to 21 U.S.C. § 881, without admitting any liability thereunder.

2. The United States of America agrees to return the sum of \$4,400.00 to Lawrence M. Fischer, Esq., on behalf of Luis Hernandez-Morales.

3. Luis Hernandez-Morales is barred from asserting any claim against the United States of America, including members of the Drug Enforcement Administration, the United States Attorney's Office, and the New York City Police Department, in connection with

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or arising out of, the United States' restraint, seizure and/or forfeiture of the defendant currency, including but not limited to any claim that the United States did not have probable cause to restrain, seize and/or forfeit the defendant currency, or that Luis Hernandez-Morales or any of his agents, employees or relatives are prevailing parties or are entitled to attorneys fees.

4. Luis Hernandez-Morales represents that he is the sole owner of the defendant currency, and agrees to hold harmless the United States of America, including members of the Drug Enforcement Administration, the United States Attorney's Office, and the New York City Police Department, from any and all claims, including third-party claims regarding the defendant currency, in

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connection with this action, including but not limited to, any claim of ownership of the defendant currency.

Dated: New York, New York  
March 3, 2008

SO ORDERED: *5 March 2008*

  
HONORABLE VICTOR MARRERO  
UNITED STATES DISTRICT COURT JUDGE

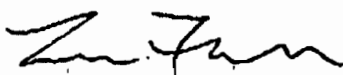
CONSENTED TO:

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York  
Attorney for the United States

By: 

SHARON E. FRASE  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
212-637-2329

DATE *3/4/08*

  
LAWRENCE M. FISHER, ESQ.  
350 Broadway  
Bronx, New York 10451  
Attorney for Claimant  
212-226-5700

DATE *3/4/08*

*LUIS HERNANDEZ-MORALES*  
LUIS HERNANDEZ-MORALES  
350 W. 150<sup>TH</sup> St. Apt 53  
New York, NY 10039  
Claimant

DATE *3/4/08*